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*Kevin L. Smith*  
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ATTORNEYS FOR APPELLEE:

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No. 49A02-0712-CR-1021

Cause No.49G17-0705-CM-93066

**ROBB, Judge**

### Case Summary and Issue

Following a bench trial, Bradd Stoops appeals his conviction of battery, a Class A misdemeanor. Stoops raises the sole argument of whether sufficient evidence supports his conviction. Concluding sufficient evidence exists, we affirm.

### Facts and Procedural History

On April 28, 2007, Stoops and his girlfriend, Kynethia Bowles, went to a party at Stoops's mother's boyfriend's house. At some point, Bowles told Stoops that she wanted to leave and the two got into an argument. According to Bowles, Stoops grabbed Bowles, pushed her to the ground three or four times, kicked her, and attempted to pick Bowles up by her leg. Bowles then walked home, arriving around 1:00 a.m. on April 29, 2007. Sometime on either April 29 or 30, Bowles went to the hospital where Bowles told Officer Robert Hicks what had happened. Officer Hicks observed bruising on Bowles's knees, hands, wrists, and thigh. Bowles subsequently filed a police report.

On June 1, 2007, the State charged Stoops with battery, a Class A misdemeanor. On October 25, 2007, the trial court held a bench trial. Bowles testified to the facts as stated above. The State also introduced photographs of the party and of the bruises on Bowles. Stoops took the stand and admitted that he had argued with Bowles, but denied touching Bowles during the argument. Stoops's brother, Phillip, and his mother, Deborah Schulthies, also testified that they had not seen Stoops touch Bowles at any point. Phillip testified that Bowles had fallen down earlier in the night, and that her speech had been "slurred and slow." Transcript at 37. Schulthies testified that Bowles had been "popping a bunch of pills" during the evening. *Id.* at 39. Stoops's attorney also pointed out that

several pictures taken during the party, before the alleged altercation, showed bruises on Bowles's legs.

The trial court found Stoops guilty of battery, and sentenced him to one year of probation. Stoops now appeals.

### Discussion and Decision

When reviewing a claim of insufficient evidence, we will not reweigh evidence or judge witnesses' credibility. Grim v. State, 797 N.E.2d 825, 830 (Ind. Ct. App. 2003). We will consider only the evidence favorable to the judgment and the reasonable inferences drawn therefrom. Id. We will affirm a conviction if the lower court's finding is supported by substantial evidence of probative value. Id.

Our supreme court has recently summarized our standard of review when assessing claims of insufficient evidence.

When reviewing the sufficiency of the evidence to support a conviction, appellate courts must consider only the probative evidence and reasonable inferences supporting the verdict. It is the fact-finder's role, not that of appellate courts, to assess witness credibility and weigh the evidence to determine whether it is sufficient to support a conviction. To preserve this structure, when appellate courts are confronted with conflicting evidence, they must consider it most favorably to the trial court's ruling. Appellate courts affirm the conviction unless no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt. It is therefore not necessary that the evidence overcome every reasonable hypothesis of innocence. The evidence is sufficient if an inference may reasonably be drawn from it to support the verdict.

Drane v. State, 867 N.E.2d 144, 146-47 (Ind. 2007) (quotations and citations omitted) (emphasis in original).

In order to sustain a conviction of battery as a Class A misdemeanor, evidence must exist that Stoops knowingly or intentionally touched Bowles in a rude, insolent, or angry manner, and that the touching resulted in bodily injury. See Ind. Code § 35-42-2-1(a)(1)(A). Bowles’s testimony that Stoops pushed her down and kicked her, and that these actions caused her bruising and pain satisfied these required elements. In order to accept Stoops’s argument that insufficient evidence exists, we would need to credit his testimony, and the testimony of his witnesses, over that of Bowles. We cannot do this on appeal. Further, it is well-established that “the uncorroborated testimony of one witness may be sufficient by itself to sustain a conviction on appeal.” Toney v. State, 715 N.E.2d 367, 369 (Ind. 1999). Although Stoops points out that Bowles admitted she was on medication at the time of the incident, and that this medication can “affect [her] perception of events,” this factor merely goes to the credibility of Bowles’s testimony. Cf. Woodford v. State, 273 Ind. 487, 492, 405 N.E.2d 522, 525 (1980) (recognizing that the fact that a witness had consumed alcohol and marijuana on the night in question “merely affected the weight and credibility to be assigned to his testimony by the jury”). The trial court had the opportunity to hear the witnesses’ testimony and judge their credibility. As reweighing the evidence and judging credibility is “a practice in which we do not engage when considering the sufficiency of the evidence supporting a conviction,” Gilbert v. State, 874 N.E.2d 1015, 1018 (Ind. Ct. App. 2007), trans. denied, we must affirm the trial court’s judgment.

### Conclusion

We conclude sufficient evidence exists to support Stoops’s conviction.

Affirmed.

BAKER, C.J., and RILEY, J., concur.